

① In Convention

Assembly Chamber, State Capitol

Sacramento Tuesday Oct 8 1878

Convention met pursuant to adjournment

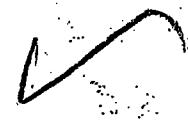
President Hoge in the Chair

Roll called and

the following members

were present

(2)



Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes
ANDREWS	✓ 1		FAWCETT	✓ 2		LAVIGNE	✓ 8		SHOEMAKER	✓ 1	
AYERS	✓ 2		FILCHER	✓ 3		LEWIS	✓ 9		SHURTLEFF	✓ 6	
BARBOUR	✓ 3		FINNEY	✓ 4		LINDOW	✓ 10		SMITH	✓ 7	
BARNES	✓ 4		FREEMAN	✓ 5		MANSFIELD	✓ 1		SMITH	of Santa Clara.	✓ 8
BARRY	✓ 4		FREUD	✓ 6		MARTIN	✓ 2		SMITH	of Fourth District.	✓ 9
BARTON	✓ 5		GARVEY	✓ 7		MARTIN	of Santa Cruz.	✓ 3	SOULE	of San Francisco.	✓ 10
BEERSTECHE	✓ 6		GLASSCOCK	✓ 8		McCALLUM	✓ 4		STEDMAN		✓ 1
BELCHER	✓ 1		GORMAN	✓ 9		McCOMAS	✓ 5		STEELE		✓ 1
BELL	✓ 7		GRACE	✓ 10		McCONNELL	✓ 6		STEVENSON		✓ 3
BERRY	✓ 8		GRAVES	✓ 1		McCOY	✓ 7		STRONG		✓ 4
BIGGS	✓ 9		GREGG	✓ 2		McFARLAND	✓ 8		STUART		✓ 5
BLACKMER	✓ 10		HAGER	✓ 3		McNUTT	✓ 9		SWEASEY		✓ 6
BOGGS	✓ 11		HALE	✓ 3		MILLER	✓ 10		SWENSON		✓ 7
BOUCHER	✓ 12		HALL	✓ 4		MILLS	✓ 1		SWING		✓ 8
BROWN	✓ 13		HARRISON	✓ 5		MOFFAT	✓ 2		TERRY		✓ 9
BURT	✓ 14		HARVEY	✓ 6		MORELAND	✓ 3		THOMPSON		✓ 10
CAMPBELL	✓ 15		HEISKELL	✓ 7		MORSE	✓ 4		TINNIN		✓ 1
CAPLES	✓ 16		HEROLD	✓ 8		MURPHY	✓ 5		TOWNSEND		✓ 2
CASSERLY	✓		HERRINGTON	✓ 9		NASON	✓ 6		TULLY		✓ 3
CHAPMAN	✓		HILBORN	✓ 10		NELSON	✓ 7		TURNER		✓ 4
CHARLES	✓ 17		HITCHCOCK	✓ 1		NEUNABER	✓ 8		TUTTLE		✓ 5
CONDON	✓ 18		HOLMES	✓ 2		NOEL	✓ 9		VACQUEREL		✓ 6
COWDEN	✓ 19		HOWARD	✓ 3		O'DONNELL	✓ 10		VAN DYKE		✓ 7
CROSS	✓ 1		HUESTIS	✓ 4		OHLEYER	✓ 1		VAN VOORHIES		✓ 8
CROUCH	✓ 20		HUGHEY	✓ 5		O'SULLIVAN	✓ 2		WALKER	of Marin.	✓ 9
DAVIS	✓ 21		HUNTER	✓ 6		OVERTON	✓ 3		WALKER	of Tuolumne.	✓ 10
DEAN	✓		INMAN	✓ 7		PORTER	✓ 4		WATERS		✓ 1
DOWLING	✓ 12		JOHNSON	✓ 8		PROUTY	✓ 5		WEBSTER		✓ 2
DOYLE	✓ 14		JONES	✓ 13		PULLIAM	✓ 6		WELLER		✓ 3
DUDLEY	✓ 25		JOYCE	✓ 6		REDDY	✓ 7		WELLIN		✓ 4
DUDLEY	of Solano.		KELLY	✓ 60		REED	✓ 8		WEST		✓ 5
DUDLEY	of San Joaquin and Amador.		KENNY	✓ 1		REYNOLDS	✓ 9		WICKES		✓ 6
DUNLAP	✓ 136		KEYS	✓ 2		RHODES	✓ 100		WHITE		✓ 7
EAGAN	✓		KLEINE	✓ 3		RINGGOLD	✓ 1		WILSON	of Tehama.	✓ 8
EDGERTON	✓ 27		LAINÉ	✓ 4		ROLFE	✓ 2		WILSON	of First District.	✓ 9
ESTEE	✓ 28		LAMPSON	✓ 5		SHELL	✓ 3		WINANS		✓ 10
ESTEE	of First District.		LARKIN	✓ 6		SCHOMP	✓ 4		WYATT		✓ 1
ESTEE	of Contra Costa and Marin.		LARUE	✓ 7		SHAFTER	✓ 5		Mr. PRESIDENT		✓ 2
EVEY	✓ 30										
FARRELL	✓ 31										

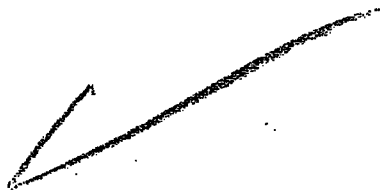
AYES
NOES

(3)

Journal of yesterday
read and approved

The President announced
the following standing
Committees

(4)



Preamble and Bill of Rights

Walter Van Dyke

William Van Voorhies

Hiram Mills

Jacob R. Freund

Charles S. Ringold

Alonzo E. Noel

Josiah Boucher

L. F. Jones

James N. Barton

(5)

Right of Suffrage

John A. Eagan

John G. McCallum

J. B. Garvey

B. B. Glasscock

W. J. Sweasey

Edward Evey

Hugh Walker

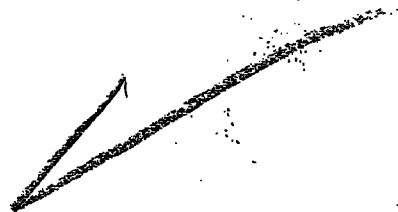
F. O. Townsend

N. G. Wyatt

C. W. Cross

James Caples

(6)



Judiciary and Judicial Department

Samuel M. Wilson

Henry Edgerton

David S. Terry

James M^cM. Shafter

William J. Graves.

Isaac S. Belcher

W. L. Dudley -

John A. Cagan

Volney E. Howard.

Alexander Campbell Jr

P. B. Tully

George V. Smith

George Steele

Thomas ^H Laine

S. G. Hilborn

Byron Waters

Presly Dunlap

Edmund Barry

Charles J. Beerstecher

(7)

Military Affairs

W. H. L. Barnes
Samuel A. Holmes
Hamlet Davis
John C. Stedman
William S. Moffat
E. O. Smith
Joel A. Harvey
George Thayer
Joseph C. Brown
G. W. Hunter
Thomas H. Estey.

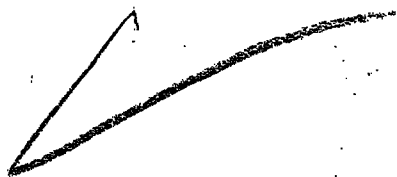
(Ep)



Education

Joseph W. Winans
Augustus H. Chapman
Edward Martin
L. D. Morse
James S. Reynolds
Dennis W. Herrington
R. M. Lampson
John Mansfield
W. F. Heustis

(9)



City, County and Township Organizations

John S. Hager

Eugene Fancett

Thomas B. McFarland

Clitus Barbour

James E. Hale

J. B. Hall

George W. Schell

W. J. Tinnin

Patrick Reddy

Horace C. Rolfe

William H. L. Barnes

Samuel A. Holmes

Hiram Mills

John G. McCallum

Abraham C. Freeman

(18)

State Institutions and Public Buildings

A. P. Overton

Walter Van Dyke

A. R. Andrews

James H. Keys

Hygh M. Larue

John S. Condon

Patrick M. Wellin

(10)

Apportionment - and Representation

James E. Murphy

Abraham C. Freeman

Randolph S. Swing

W^m H. Prouty

John P. West

Robert Crouch

John T. Wickes

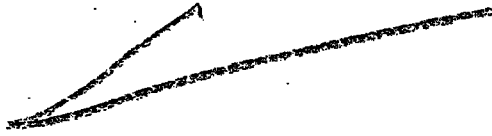
Samuel B. Burt

Thomas M^cConnell

Daniel Inman

Edmund ~~Held~~ Nason

(12)



Miscellaneous Subjects

J. E. Dean

Bernard F. Kenny

Charles C. O'Donnell

Ezra P. Soule

Justus Schomp

David C. Stevenson

John M. Kelly

Simon J. Farrell

Raymond Lavigne

(13)

Future Amendments

Eli. T. Blackmer
Jonathan V. Webster
Patrick T. Dowling
Joseph. C. Gorman
Conrad Herold
William P. Grace
David Lewis
Joseph R. Weller
J. M. Charles

(135)

Schedule

W. W. Moreland

H. C. Boggs

Peter J. Joyce

Thomas Harrison

Rush M. Cornas

Henry Neunaber

Charles Swenson

Alphonse Vacquerel

William P. Hughey

Charles R. Kline

Henry W. Smith

(15)



Reporting and Printing

Rufus Shoemaker

J. A. Filcher

J. J. Ayers

James O. Sullivan

S. B. Thompson

(16)

Privileges and Elections

Henry Larkin

C. V. Stuart

D. H. Cowden

Horace C. Rolfe

J. Berry

J. West Martin

Benjamin Shurtleff

John F. Lindon

Thorwald Nelson

John M^c Coy

John R. W. Hitchcock

J. M. Porter

Geo. V. Smith

V. A. Gregg

Jonathon M. Dudley

(17)

Mileage and Contingent Expenses

J. G. Hilborn
John Walker
John M. Rhodes
John R. McTutt
Henry K. Turner
Daniel Tuttle
Peter Bell
Luke Doyle
L. R. Jones

(16)

Mr. ~~Murphy~~ in the Chair.

Mr. Estee presented the following report.

EDWARD C.

Report of
Committee on Rules

(15)

M^{rs} E. W. Clendenen

(18) which report was adopted.
Mrs. McCallum moved to re-consider
the vote by which the proposed rules
were made the special order for
this day at 2 P. M., carried.

The following proposed rules
were then taken up.

STANDING RULES AND ORDERS

1.

Hour of Meeting.

The Convention shall meet each day of sitting at ten o'clock A. M., unless it shall adjourn to some other hour.

2.

Recess.

The Convention shall take a recess each day from twelve o'clock M. to one o'clock P. M.

3.

Number of Members to Constitute a Quorum.

Not less than seventy-seven members shall constitute a quorum for the transaction of business.

4.

Duties of President.

The President, or in his absence the President *pro tem.*, or in the absence of both, such Chairman as shall be selected by the members present, shall take the chair at the hour to which the Convention shall have adjourned, and shall immediately call the members to order.

5.

To Preserve Order, to Decide Points of Order, and May Speak to Same.

He shall preserve decorum and order; may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal to the Convention by any five members, on which appeal no member shall speak more than once, except by leave of the Convention.

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6.

Appointment of Committees.

All Committees shall be appointed and announced by the President, unless otherwise specially directed by the Convention.

7.

Signing of Writs, Warrants, and Subpœnas.

All writs, warrants, and subpœnas, issued by order of the Convention, shall be under his hand and attested by the Secretary.

8.

May Call any Member to the Chair.

The President shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

9.

To Have Direction of the Hall.

The President shall have the general direction of the Hall of the Convention and of the galleries. No persons, excepting members, officers and attachés of the Convention, and such persons as may be invited by the Convention, or by the President, shall be admitted within the bar of the Convention. The Chairman of each Committee of the Whole, during the sitting of such committee, shall have the like power of preserving order in the Hall and in the galleries.

10.

Duties of Secretary.

The Secretary must attend each day, and call the roll, read the Journal, and all propositions or resolutions. He shall have the direction of the Assistant Secretaries unless otherwise ordered.

11.

Duties of Assistant Secretaries.

The Assistant Secretaries must attend each day, take charge of all resolutions, propositions, petitions, memorials, and other papers presented to the Convention, file and enter the same in the books provided for that purpose, and perform such other duties as may be directed by the Secretary or the Convention.

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12.

Duties of Minute Clerk.

The Minute Clerk must keep a correct record of the proceedings of the Convention.

13.

Duties of Journal Clerk.

The Journal Clerk must record each day's proceedings in the Journal, from which they must be read each day by the Secretary, and then be authenticated by the signature of the President.

14.

Duties of Sergeant-at-Arms.

The Sergeant-at-Arms must give a general supervision, under the direction of the President, to the Hall of the Convention and rooms attached, attend during the sittings of the Convention, execute its commands, and all process issued by its authority; keep an account of pay and mileage of members, attachés, and employés, and prepare checks for the same.

15.

Duties of Assistant Sergeant-at-Arms.

The Assistant Sergeant-at-Arms must attend the sittings of the Convention each day, prohibit all persons except members, officers, and employés, and such other persons as may have the privilege of the floor assigned them by the Rules of the Convention, from entering within the bar, unless upon invitation, and keep order in the halls, lobbies, and galleries.

16.

Duties of Officers at the Close of the Session.

The Secretary and Assistant Secretaries, at the close of the session of the Convention, must deliver to the Secretary of State, duly marked, labeled, and arranged, all propositions, resolutions, petitions, memorials, and other papers belonging to the Convention, and also all books belonging to the same.

17.

Order of Business.

1. Roll-call.
2. Reading and approval of the Journal.
3. Presentation of Petitions and Memorials; under which head

(21)

shall be included remonstrances, communications from individuals and public bodies.

4. Communications from State Officers; under which head shall be embraced, also, communications from public officers, and from corporations in response to calls for information.

5. Reports of Standing Committees, in the order in which they stand in the Rules.

6. Reports of Select Committees.

7. Introduction of Resolutions and Propositions relating to the Constitution.

8. Unfinished Business.

9. Special Orders.

10. General Order.

11. Miscellaneous Motions and Resolutions.

18.

Precedence of Motions during Debate.

When a question is under debate, or before the Convention, no motion shall be received, but:

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit or amend;
6. To postpone indefinitely;

Which several motions shall have precedence in the order in which they are named; but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the proceedings.

19.

Priority of Business.

All questions relating to the priority of business shall be decided without debate.

20.

Reference of Resolutions—When Committees Must Report.

When a motion is made to refer any subject, and different committees should be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Convention.
2. A Standing Committee.
3. A Select Committee.

Every Committee of the Convention to whom a resolution or proposition has been referred shall report the same to the Convention within fifteen days from the time it is received by the Chairman of the Committee, unless further time to report is granted, unless

2 1/2

otherwise ordered by the Convention. Every proposition or resolution shall be referred to the appropriate Standing Committees as indicated by its name given herein.

21.

Motion to Divide Question—To Strike Out or Insert.

Any member may call for the division of a question when the same will admit of it. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

22.

Call of the Convention.

Upon a call of the Convention, the names of the members shall be called over by the Secretary and the absentees noted; after which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found by the Sergeant-at-Arms, or by special messenger, to be appointed for that purpose.

23.

Division and Count of Convention.

Upon a division or count of the Convention on any question, no person without the bar shall be counted.

24.

Calling the Ayes and Noes.

On all questions and motions whatsoever the President shall take the sense of the Convention by ayes and noes, provided five members present shall so require. When the ayes and noes are taken no member shall be allowed to vote who shall have entered the Convention after the calling of the roll is finished. The names of members shall be called in alphabetical order; *provided further*, that on all resolutions and propositions relating to the Constitution, the final vote shall be taken by ayes and noes.

25.

Explaining or Changing Vote.

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called; and no member shall be allowed to change his vote after the vote is announced from the Chair.

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26.

Motion to Instruct Committees.

It shall be the duty of each member who moves that any committee be instructed to inquire into the expediency of amending or revising the existing Constitution to point out the amendment which he deems expedient, in writing, to accompany his motion.

27.

Commitment and Recommitment of Motions and Reports.

Motions and reports may be committed or recommitted at the pleasure of the Convention, and with or without instructions from the Convention.

28.

Motion or Proposition of a Subject Different from that Under Consideration Inadmissible Under Color of Amendment.

No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment.

29.

When Motion or Resolution may be Withdrawn.

A motion or resolution may be withdrawn, by leave of the Convention, at any time before amendment or decision.

30.

Motions to Adjourn.

A motion to adjourn shall always be in order. The Secretary shall enter on the Journal the name of any member moving an adjournment, and, also, the hour at which the motion is made.

31.

Motions to be Stated by the President shall be Reduced to Writing.

No motion shall be debated until the same shall be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member, and shall be read by the Secretary, before the same shall be debated.

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32.

Substitutes.

A substitute shall be deemed an amendment, and be treated in all respects as such.

33.

Previous Question—How Demanded.

The previous question shall only be put when demanded by five members.

34.

Questions of Order after Previous Question is Ordered.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided, whether on appeal or otherwise, without debate.

35.

The Previous Question—How Put.

The previous question shall be put in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the previous question shall be decided. After the adoption of the previous question the sense of the Convention shall forthwith be taken upon amendments reported by a committee, upon pending amendments, and then upon the main question, without debate.

36.

Question to Indefinitely Postpone.

When a question is indefinitely postponed, the same shall not be again introduced during the session of the Convention.

37.

Notice of Reconsideration.

On the day succeeding that on which a final vote on any proposition, or resolution concerning the Constitution, or other resolution has been taken, said vote may be reconsidered on motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such

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final vote was taken. Such motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

38.

Protest of Members.

It shall be in order for any member or members to protest in writing against action of the Convention, and have such protest entered upon the minutes.

39.

Question of Privilege.

A question of privilege shall be entitled to supersede other business; but when a member brings forward such question, he shall first present his complaint, either verbally or in writing; and the presiding officer shall decide, in the first instance, whether such statement, however brought forward, involves a question of privilege. If such decision shall be in favor of the question of privilege, the member may then make such observations as may be pertinent to the question of privilege, and may submit such resolution or motion as he may desire for the consideration of the Convention.

40.

Author to Speak Last.

The author of a motion, proposition or resolution, shall have the privilege of closing the debate, unless the previous question has been sustained.

41.

Duty of Member Rising to Speak.

Every member, when about to speak, shall rise and respectfully address the President, shall confine himself to the question under debate, and avoid personality, and shall sit down when he is finished. No member shall speak out of his place without leave of the President.

42.

No Interruption of Member while Speaking.

No member speaking shall be interrupted by another, but by rising up to call to order.

43.

Times a Member may Speak.

No member shall speak more than twice on one question without

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~~§ 11~~

first obtaining leave of the Convention, nor more than once until other members who have not spoken shall speak, if they desire to.

44.

Call to Order for Offensive Words in Debate.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Secretary's table; and no member shall be held to answer or be subject to censure of the Convention for language used in debate if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

45.

Order in Speaking to Questions Lost by Adjournment.

If a question pending be lost by adjournment of the Convention, and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak without leave of two-thirds of the Convention.

46.

Calling Members to Order when Transgressing Rules.

If any member, in speaking or otherwise, transgress the Rules of the Convention, the President shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the Convention, but no discussion of a question of order shall be allowed unless an appeal be taken from a decision of the Chair.

47.

The President to Decide Who is Entitled to the Floor.

When two or more members shall rise at once, the President shall decide who is first to speak.

48.

Taking Up Propositions or Resolutions Out of Order.

When a member shall ask leave to have a proposition or resolution taken up out of its regular order, he shall, in making the motion, give the number and title of the same.

49.

Reading of Resolutions before Final Action Thereon.

Every resolution proposing any alteration in the Constitution shall be read on two several days before it is finally acted upon and adopted by the Convention.

50.

Indorsement and Statement of Object of Papers Introduced.

Every member presenting to the Convention a petition, memorial, or remonstrance, shall indorse his name thereon, together with a brief statement of the nature and object of the instrument.

51.

Title and Numbering of Propositions and Resolutions.

Propositions and resolutions proposing matter to be incorporated in the Constitution shall be prefaced with a title briefly indicating the subject to which they refer. They shall be in writing on legal cap paper, and shall be numbered by the Secretary in the order in which they are introduced.

52.

Resolutions Limited to One Subject—Reading and Reference of Same.

Propositions and resolutions mentioned in the last foregoing Rule shall embrace but one subject; they shall be read once when introduced, and then referred, without debate, to an appropriate committee.

53.

General File.

All propositions and resolutions, embracing matter proposed to be incorporated in the Constitution reported by a standing or a special committee, shall be read when reported, and shall be placed on a general file, to be kept by the Secretary, in the order in which they are reported. They shall be taken from the file and acted upon in the order in which they are placed thereon, unless otherwise ordered by the Convention; *provided*, that engrossed propositions and resolutions shall be placed at the head of the file, in the order in which they are received. Two hundred and forty copies of the file for each day shall be printed.

54.

Committees Not to Sit during Session.

No committee shall sit during the session of the Convention without leave.

55.

Committee of the Whole.

In forming a Committee of the Whole Convention, the President may preside or appoint a member to preside. Propositions or resolutions relating to the Constitution shall be committed to a Committee of the Whole Convention, and shall be read in Committee of the Whole by sections. All amendments shall be noted and reported to the Convention by the Chairman. After report, the proposition or resolution shall again be subject to amendment before the final question is taken.

56.

The Rules of the Convention shall be observed in Committee of the Whole, so far as they may be applicable, except for limiting the times of speaking, and except that the ayes and noes shall not be taken, and that the previous question shall not be moved.

57.

A motion that the Committee rise shall always be in order, and shall be decided without debate.

58.

Orders, Resolutions, etc., which shall be considered in Committee of the Whole.

Every order or resolution which proposes an alteration in the Constitution, and all reports of committees appointed to consider the propriety and expediency of making any alteration therein, shall be considered in Committee of the Whole before they are debated and finally acted on in Convention.

59.

Parliamentary Rules.

The rules of parliamentary practice contained in "Cushing's Law and Practice of Legislative Assemblies," shall govern the Convention in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Convention.

60.

Suspending and Changing Rules.

No Standing Rule or Order of the Convention shall be rescinded or changed without a vote of two-thirds, and one day's notice being given of the motion therefor; but a Rule or Order may be suspended temporarily by a vote of two-thirds of the members present, except Rules 50, 51, 52, 53, and 55.

61.

Reading of Papers.

When the reading of a paper is called for, except petitions and memorials, and the same is objected to by any member, it shall be determined by a vote of the Convention, without debate.

62.

Filling Blanks.

In filling up blanks, the least sum or number, and shortest time, shall be first put.

63.

Members at Secretary's Desk.

No member or other person shall remain by the Secretary's desk while the ayes and noes are being called, or while the votes are being counted.

64.

Leave of Absence.

No member shall be absent more than two days without leave of the Convention; and a vote of leave of absence shall be inoperative unless the member obtaining it shall avail himself of it within five days.

65.

Members Absent not to Draw Pay except in Case of Sickness, or on Committee Duty.

No member shall receive pay for any week-day on which he has not actually attended the Convention, except in case of sickness, or when he is absent on committee duty.

66.

Papers to be Left with Secretary by Members on Leave of Absence.

Every member, before availing himself of a leave of absence, shall deposit with the Secretary all papers then in his possession belonging to the Convention.

67.

Smoking in the Hall.

No smoking shall be allowed within the Hall of the Convention during the time of its session.

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68.

Use of Hall.

The Hall of the Convention shall not be used for any public or private business other than that of the Convention except by unanimous consent.

69.

Extra Pay.

No increase of pay, nor any extra pay, shall be allowed any officer or attaché of the Convention, by resolution or otherwise, except by unanimous consent.

70.

Extra Assistance and Compensation.

No proposition for additional help in any clerical or other department of the Convention shall be entertained except by resolution, in writing, therefor, and before final action by the Convention thereon such resolution shall be referred to the Committee on Mileage and Contingent Expenses, which committee shall inquire into the necessity therefor and the amount of compensation proper, if the same shall be required, and report without unnecessary delay; and upon receipt of such report the Convention shall forthwith proceed to consider and vote upon the passage of the resolution.

71.

Printing.

Five hundred copies of each proposition or resolution embodying matter proposed to be introduced into the Constitution shall be printed.

72.

Employment of Committee Clerks.

No committee shall be permitted to employ a Clerk at the expense of the State without first obtaining leave of the Convention for that purpose.

73.

Standing Committees.

The Standing Committees of the Convention shall be as follows:

1. On Preamble and Bill of Rights, to consist of nine members.
2. On Right of Suffrage, to consist of eleven members.
3. On Legislative Department, to consist of fifteen members.

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4. On Executive Department, to consist of nine members.
5. On Judiciary and Judicial Department, to consist of nineteen members.
6. On Military Affairs, to consist of eleven members.
7. On State and Municipal Indebtedness, to consist of fifteen members.
8. On Education, to consist of nine members.
9. On State Institutions and Public Buildings, to consist of eleven members.
10. On City, County, and Township Organizations, to consist of fifteen members.
11. On Apportionment and Representation, to consist of fifteen members.
12. On Revenue and Taxation, to consist of fifteen members.
13. On Corporations other than Municipal, to consist of fifteen members.
14. On Miscellaneous Subjects, to consist of nine members.
15. On Future Amendments, to consist of nine members.
16. On Schedule, to consist of eleven members.
17. On Revision and Adjustment, to consist of nine members.
18. On Water and Water Rights, to consist of fifteen members.
19. On Agriculture, Manufactures, and Commerce, to consist of eleven members.
20. On Mining, to consist of eleven members.
21. On Immigration, to consist of fifteen members.
22. On Reporting and Printing, to consist of five members.
23. On Privileges and Elections, to consist of fifteen members.
24. On Mileage and Contingent Expenses, to consist of nine members.
25. On Pardoning Power, to consist of nine members.
26. On Harbors, Tide-water, and Navigable Streams, to consist of nine members.
27. On Labor and Capital, to consist of nine members.
28. On Engrossment and Enrollment, to consist of seven members.
29. On Chinese, to consist of fifteen members.
30. On Land and Homestead Exemption, to consist of nine members.

M. M. ESTEE, Chairman.

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on motion the ~~rules~~ were
considered ~~seriatim~~.

Rules, one, two, three and four were
adopted.

Rule Five

Mrs. Barbour moved to amend rule five
by inserting after the word "once" the
words, "not more than five minutes"
adopted

Mrs. McCallum moved to strike out
the word "five" and insert ^{two} ~~three~~ lost

Mrs. Freeman, moved to strike out
"five" and insert "three" - adopted

Mrs. Steadman offered the following
amendment

add to Sect. 5)

- except the party appealing,
who may speak twice.

Last.

Rule five adopted as amended

(33) Rules six and seven adopted.

Mrs Barbours moved to amend rule eight by striking out the words, "perform the duties of the chair", and insert the word "preside"
lost

Rule adopted

Rules, nine to thirteen inclusive were adopted.

Mr Freeman moved to amend rule fourteen by striking out the words, "and prepare checks for the same"
lost

Rule adopted

~~Mr Freeman moved to amend rule~~

Rules fifteen, sixteen and seventeen adopted.

Mr Freeman moved to amend rule eighteen by striking out

34) The words, "and at the same stage of proceedings." lost

Rule adopted.

Rule nineteen adopted.
on motion of Mr. Ginnin
Rule twenty was amended by
substituting the word "or" for
the word "unless" between the
words "granted" and "otherwise"
and the rule adopted.

Rule twenty one adopted.

Mr. O'Sullivan offered the fol-
lowing amendment to rule twenty
two

Strike out the words "to be" in the
seventh line, between the words "wherever"
and "found." adopted

on motion of Mr. Shafter the ~~new~~
rule was amended to read. "No suffi-
cient excuses are made" and the
rule adopted as amended

Rule twenty three adopted

35) Mrs. Barton offered the following amendment to rule twenty for

Provided

~~Resolved~~ that in no case where the Ayes and Noes are called, shall any two members of this convention be permitted to pair off.

^{Last}
Mrs. Morse offered the following

~~Motion~~ Motion to amend the 24th. Rule by inserting after the word "finished", in fifth line, as follows:
Now shall a member be entitled to vote unless he is in his seat.
^{Last}

Rule adopted

Rules twenty five, twenty six and twenty seven adopted.

Mrs. Harrington moved to amend rule twenty eight by striking out the word "of" and insert the word "upon" - ^{Last}

The hour of ^{Twelve O'clock M.} ~~less~~ having arrived the convention took

36) ~~to~~ a recess for one hour.

Re-assembled.

The Convention re-assembled
at one o'clock P.M. ~~Ans.~~

Mr Murphy in the chair

The calling of the ~~role~~ roll
was dispensed with upon
motion of Mr Waters.

Mr. Edgerton moved to amend
rule twenty eight, which was
under consideration at the hour
of recess, by striking out the
words "motion or proposition of"
Rule adopted.

Rule twenty nine adopted.
on motion of Mr Linnin rule
thirty was amended by substi-
tuting the words "Minute Clerk"
for "secretary" and the word
"minutes" for the word "journal"
~~and the rule adopted~~ adopted

37) ^{Rule 30} Mrs. McCallum moved to insert
after the words "order" the following
"which motion shall not be debatable,
or coupled with conditions" lost
rule adopted

Rule thirty one adopted.

Mrs. McCallum moved to recom-
mit rule thirty two to committee.
Lost.

Mrs. Wellin moved to strike out.
Lost

Mrs. Suddley of Solano offered the
following amendment.

A substitute shall be in order but it shall not
take precedence of pending amendments, but after
all pending amendments have been acted upon
a substitute shall take precedence of the original
motion.

Rule adopted. Lost

Rules thirty three and thirty
four adopted.

3) Mrs. Edgerton moved to amend
Rule thirty ~~five~~ by inserting the
word "first" after the word "taken"
and the word "then" after the word
"Committee" - adopted
Rule adopted.

Mrs. Harrington offered the following
amendment -
after the word "question" and
before the word "is", insert the words
"other than such as relate directly
to the Constitution."

Mrs. Huestis offered the following
to be added to the rule

"except by a Majority vote" ~~and~~
~~the same shall be decided without debate~~
which shall be decided without debate

Mrs. Wilson of San Francisco was
granted two days leave of absence
~~on account of sickness~~

and Mrs. J. Walker indefinite leave, on
account of sickness

Mrs. Bronty was granted leave

39 of absence for ~~three~~ days.
Upon the adoption of the
Amendment of Mrs Hearst
the ayes and noes were
demanded by Messrs
Larkin, Hearst, Cross, White
and Wyatt.

The roll was called
and the amendment
adopted by the follow-
ing vote —

Roll Call on ground previously to Roll
36 - Reported by H. E. Jackson
Roll-Call of Delegates to the Constitutional Convention, 1878.

NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -	NAMES.	Ayes -	Noes -
ANDREWS		1	FAWCETT		1	LAVIGNE	1		SHOEMAKER	1	
AYERS	1		FILCHER	1		LEWIS		1	SHURTLEFF		1
BARBOUR	1		FINNEY	1		LINDOW	1		SMITH		1
BARNES			FREEMAN	1		MANSFIELD		1	<small>of Santa Clara.</small> SMITH	1	
BARRY		1	FREUD	1		MARTIN	1		<small>of Fourth District.</small> SMITH	1	
BARTON	1		GARVEY	1		<small>of Santa Cruz.</small> MARTIN		1	<small>of San Francisco.</small> SMITH	1	
BEERSTECHER	1		GLASSCOCK	1		<small>of Alameda.</small> MARTIN		1	SOULE	1	
BELCHER	1		GORMAN	1		McCALLUM	1		STEDMAN	1	
BELL	1		GRACE	1		McCOMAS	1		STEELE	1	
BERRY	1		GRAVES	1		McCONNELL		1	STEVENSON		1
BIGGS		1	GREGG		1	McCOY	1		STRONG		
BLACKMER	1		HAGER		1	McFARLAND	1		STUART		1
BOGGS	1		HALE	1		McNUTT		1	SWEASEY	1	
BOUCHER		1	HALL	1		MILLER	1		SWENSON	1	
BROWN	1		HARRISON	1		MILLS	1		SWING	1	
BURT	1		HARVEY	1		MOFFAT			TERRY		1
CAMPBELL	1		HEISKELL	1		MORELAND			THOMPSON	1	
CAPLES	1		HEROLD	1		MORSE	1		TINNIN		1
CASSERLY			HERRINGTON	1		MURPHY	1	1	TOWNSEND		
CHAPMAN		1	HILBORN	1		NASON	1		TULLY	1	
CHARLES	1		HITCHCOCK	1		NELSON	1		TURNER	1	1
CONDON	1		HOLMES	1		NEUNABER	1		TUTTLE	1	
COWDEN	1		HOWARD		1	NOEL	1		VACQUEREL	1	
CROSS	1		HUESTIS	1		O'DONNELL	1		VAN DYKE	1	
CROUCH	1		HUGHEY			OHLEYER		1	VAN VOORHIES	1	
DAVIS	1		HUNTER	1		O'SULLIVAN	1		WALKER	1	
DEAN	1		INMAN	1		OVERTON		1	<small>of Marin.</small> WALKER		
DOWLING	1		JOHNSON	1		PORTER		1	<small>of Tuolumne.</small> WALKER		
DOYLE		1	JONES	1		PROUTY			WATERS	1	
DUDLEY	1		JOYCE	1		PULLIAM		1	WEBSTER	1	
<small>of Solano.</small> DUDLEY		1	KELLY		1	REDDY	1		WELLER	1	
<small>of San Joaquin and Amador.</small> DUNLAP		1	KENNY	1		REED	1		WELLIN	1	
EAGAN			KEYS			REYNOLDS	1		WEST	1	
EDGERTON		1	KLEINE	1		RHODES	1		WICKES	1	
ESTEE		1	LAINE		1	RINGGOLD	1		WHITE	1	
<small>of First District.</small> ESTEE			LAMPSON	1		ROLFE	1		WILSON	1	
<small>of Contra Costa and Marin.</small> ESTEE	1		LARKIN	1		SHELL		1	<small>of Tehama.</small> WILSON		
EVEY	1		LARUE		1	SCHOMP	1		<small>of First District.</small> WILSON		1
FARRELL	1					SHAFTER	1		WINANS		
									WYATT	1	
									MR. PRESIDENT		

AYES 104
 NOES 35

41) Mrs Howard offered the following amendment.

Unless upon the recommendation of a standing committee.
lost

Mrs Waters offered the following "strike out the words" indefinite postponed and insert the words "lost upon any final vote"
lost

Mrs Harrington offered the following -

^{add}
Previous such questions as do not directly relate to the constitution shall not be again introduced except by a two thirds vote

~~Mrs Blackmer offered the following.~~ lost.

~~Rule 36 adopted~~

~~Mrs Blackmer~~

~~offered the following~~
"rule 36"

~~move to strike out all down to the word "such" on~~
~~page 10 & insert the following~~

At any time after the final vote on any proposition, or resolution concerning the constitution, or other resolution, has been taken the vote may be reconsidered on motion of any member who voted with the majority, provided that it shall not be in order for any member to move a reconsideration without giving ~~at least~~ one day's notice of such motion.

Lost

Rule thirty ~~six~~ adopted
 Mrs. Freeman offered the
 following amendment to
 rule thirty seven

"When a question has been disposed of,
 either by an indefinite postponement,
 or by any other final vote,

Lost

43) Rule adopted
Rules thirty eight to forty two
inclusive, adopted.

Mrs. Gregg moved to amend rule
forty three by inserting after the
word "twice" the words, "Nor
more than thirty minutes" Last

Mrs. Barbour offered the following
"Provided a majority may sus-
pend this rule" Last

Rule adopted.

Rules Forty four to Fifty both
inclusive were adopted.

Mrs. Lane offered the follow-
ing amendment to rule
fifty one.

44)

~~Amend Rule 51 to read~~
as follows viz
51

Title and numbering of propositions,
resolutions, and suggestions.

Propositions and resolutions
proposing matter to be incorporated
into the Constitution or proposing
an entire draft of a Constitution
or of any separate article
or section shall be in writing
on legal Cap paper signed
by the member offering the
same; and shall be numbered
by the Secretary in the order
in which they are introduced.

Lost

45) Mrs. White moved to amend
by inserting after the word "pages"
the words "or in print" ~~amended~~
Adopted.

Rule adopted.

Rules fifty two, fifty three and
fifty four - adopted.

Mrs. White moved to amend
rule fifty five by striking
out the words "preside or"
Last

Rule adopted.

Rules Fifty six to Fifty nine
both included adopted

Mrs. Wzatt moved to amend rule
sixty by including rule 36 -
Last

Rule adopted

Rules 61 to 64 adopted

Mrs. Webster offered the following
amendment to rule
sixty five

~~68~~

No member shall receive pay for any day on which he has not actually attended the Convention, except in case of sickness, or when he is absent on Committee duty on days of actual Session

~~Resolved~~

Mrs. Gregg offered the following amendment-

"No member shall receive pay for more than two days absence at one time ~~for~~ except the absence is occasioned by sickness, or by committee work or other business of the Convention - But pay shall not be allowed ^{a member} for more than two absent days ~~for~~ during the term of the Convention."

47.

Mrs. Waters ~~made~~^{rose} a point of order that the Convention had no control of the pay of members as that was fixed by law. The Chair decided the point well made, and ruled the subject out.

Mrs. Steadman offered the following as a substitute for Rule fifty five

All members shall vote
on every question unless
excused by the Convention,

~~Edward J. J.~~

~~Rule~~ adopted

Rules sixty six to seventy
both included were adopted

Mrs. Andrews moved, to amend
^{propose to} striking out "fine hundred"

48 and insert "Four hundred and eighty" ~~adopted~~.

Mrs. Huestis moved to add the following "when ordered by the convention."

Mrs. Wilborn moved to refer the rule to the committee on "Reporting and Printing" lost

Mrs. Van Dyke offered the following

~~Resolved~~
Insert between the
words "Constitution" and
"shall" ^{the words} "reported to
the Convention by a
Committee"

The previous question being demanded by Messrs. Swiny, Timmer, Freeman, and Johnson was ordered by the convention.

On the adoption of the amendment of Mrs. Van Dyke it was lost.

The amendment of Mrs. Huestis was rejected, and the

49 rule adopted.

Rule ~~Seventy~~ two adopted.

~~Mrs Reynolds offered the
following to be inserted
as Rule seventy three.~~

Mrs Edgerton offered
the following as
rule seventy four.

Rule 74

When any resolution, proposition,
or other document, shall be
referred to a Committee, the
Secretary shall without delay
cause the same to be delivered
to the Chairman of such
Committee, and take his re-
ceipt therefor in a book to be
kept for that purpose. Such
receipt shall state the date
at which such resolution, propo-
sition or paper is so delivered-
adoption

30
Mr. Reynolds offered
the following as a rule
to be known as Rule
Seventy three

Rule 73

No member shall receive
pay for any week-day on which
he has not actually attended the
Convention, except in case of
sickness, or when absent on
committee duty, or upon ad-
journment over of the Convention,

Mr. Waters, raised a
point of order, that
the Convention had

51 no power to regulate
the pay of members.

The Chair decided the
point well taken and
ruled the proposed rule
out of order.

Messrs Barbour, Reynolds

and Steadman appealed

from the decision of the
Chair.

at five o'clock and five
minutes P. M. on motion
of Mrs. McCallum the
Convention adjourned

1018101

10/8/78

